So, despite what the administration claims, Joe Biden could do things right now to actually produce more energy. First, instead of blocking all Federal land, he needs to hold Federal oil and gas lease sales. He should approve the 4,300 drilling applications that he is holding in limbo. Finally, instead of shutting down pipelines, he should approve more pipelines so we can transmit energy. He should speed up the pipeline approval process. Right now, it takes a lot longer to get approval to build a pipeline than it does to actually build a pipeline. But Joe Biden refuses to change his policies. That is why I say that Joe Biden actually wants high gas prices.

Democrats keep bragging about the so-called incredible transition. It is a transition that is strangling the American people. Joe Biden went on a late-night comedy show last week. He was asked about climate change. He said right now ''there's an opportunity to move more rapidly . . . to alternative energy.'' He seems to think everything is going according to plan.

The climate elitists want prices so high that people can't afford to buy gas. The economists call this demand destruction. Democrats are working to achieve demand destruction through supply destruction, and the result is economic destruction—a destruction of the standard of living for the American people—all because they want their climate ideology.

So Democrats have kept supply slow and low. They have driven up prices. Now the American people are forced to stay home.

Well, the Transportation Secretary continues to say: Just get an electric vehicle. Gas prices are no big deal.

The average electric vehicle costs over $55,000. The American people can barely afford groceries right now, let alone an electric vehicle. CNN ran a story recently about single mothers skipping meals so their kids can eat. I would say to the Secretary of Transportation: How are they going to afford the electric vehicle, let alone find a place to charge it?

Astonishing stories have been written in the press recently. People trying to drive electric vehicles from point A to point B said: Never again. Oh, no.

I have heard stories of someone renting an electric vehicle in Wyoming, driving it from one place to another, using a regular plug-in, coming back an hour later, and it had charged the battery enough extra in that full hour that they could go an additional 4 miles. That is what Joe Biden wants for America. That is his view of America—''stay at home'' Joe.

The Transportation Secretary refuses to admit that gas prices drive up the cost of other things like food, the cost of retail, the cost of almost everything.

Democrats tell us that we just need a little more wind energy, a little more solar power, and things would be great. So what is Joe Biden doing? He listens to them, and he uses wartime Executive powers to demand that we make more solar panels.

This is another dangerous Democrat delusion. We don't have high gas prices and high food prices because of a lack of solar panels; we have high gas prices and high food prices because of a lack of American gasoline, oil, energy.

Democrats keep repeating the talking points about renewable energy. Yet they never do the math. The most affordable and most reliable energy known to man is traditional energy—oil, natural gas, coal. Electric vehicles still use energy. This energy comes mostly, in this country, from natural gas and coal.

The only way to bring the price of gas down is to bring the supply of gas up. It is the one thing the Democrats refuse to do.

It is interesting to listen to some of Joe Biden's allies in the Senate who are threatening to make the Biden energy crisis even worse. They want to talk about bringing back their reckless tax-and-spending bill. This bill is more reckless today than it was last year. You put that kind of additional spending on the economy, that kind of additional debt—inflation today is a lot higher than it was the last time they forced this kind of money onto the economy. This will be adding fuel to the fire.

Then the Democrats are talking about raising taxes and specifically raising taxes on American energy. More taxes on American energy means higher prices at the pump. It is as simple as that. Higher prices at the pump means higher prices at the grocery store. Now isn't the time to raise taxes on the American people.

Janet Yellen was surprised. She said it last week. She talked to the New York Times. She said she was surprised at how negative people's opinion was of the economy. She said she was amazed at how pessimistic people were about the economy. How out of touch can one be for the Secretary of Treasury to say that at a time when there are the highest gas prices in the history of the country, food prices at an alltime high, and inflation at a 40-year high?

Over three out of four Americans think the country is heading in the wrong direction under Joe Biden and the Democrats. The American people have seen what 16 months of Democrat rule has done to them, and Janet Yellen is surprised at the pessimism and the negativity.

Record inflation, record gas prices, record debt, disappearing savings, empty shelves, labor shortages, a looming recession—it is long past time to change course. It is time to stop this reckless spending, unleash American energy. The American public cannot afford to pay the price, but they will make the Democrats pay the price come November.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

(Mr. MURPHY assumed the Chair.)

(Mr. DURBIN assumed the Chair.)

Mr. BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CELEBRATING THE 245TH ANNIVERSARY OF THE CREATION OF THE FLAG OF THE UNITED STATES AND EXPRESSING SUPPORT FOR THE PLEDGE OF ALLEGIANCE

Mr. BRAUN. Mr. President, this is one of the more enjoyable things of being a Senator, especially when I have some friends in from Southern Indiana up in the Gallery to see what we do here.

I rise today to offer a resolution expressing support for the Pledge of Allegiance as an expression of patriotism and honoring the 245th anniversary of the introduction of our United States flag.

Today we celebrate Flag Day, which was first established over 100 years ago by President Woodrow Wilson. As we pause to recognize all that our flag represents, let us also honor those who have sacrificed everything to defend it.

In 2002, Senator Tom Daschle raised a similar resolution with unanimous support from the Senate. It passed on the floor uneventfully. Today, I ask this body to reaffirm our support for the Pledge of Allegiance.

I also rise to honor a fellow Hoosier who knew the innate value of the Pledge of Allegiance to civic education. In 1969, Red Skelton, the American entertainer who was well-known for the program ''The Red Skelton Hour,'' wrote a speech on the importance of the pledge. Reflecting on his time in Vincennes, IN, he spoke about the values instilled by one of his high school teachers.

After the performance of the speech, CBS received 200,000 requests for copies. The speech would go on to be sold as a single by Columbia Records and performed at the White House for President Nixon. I think it would honor Mr. Skelton's memory and the importance of the Pledge of Allegiance if it were recited today on the Senate floor in the words of Mr. Red Skelton. I have done this 2 prior years too. This should never get old for anyone here or the American public in general.

When I was a small boy in Vincennes, [Indiana,] I heard, I think, one of the most outstanding speeches I ever heard in my life. I think it compares with the Sermon on the Mount, Lincoln's Gettysburg Address, and Socrates' Speech to the Students.

We had just finished reciting the Pledge of Allegiance, and he [Mr. Lasswell, the Principal of Vincennes High School] called us all together, and he says, ''Uh, boys and girls, I have been listening to you recite the Pledge of Allegiance all semester, and it seems that it has become monotonous to you. Or, could it be, you do not understand the meaning of

each word? If I may, I would like to recite the pledge, and give you a definition of each word:

I—Me, an individual; a committee of one.

Pledge—Dedicate all of my worldly good to give without self-pity.

Allegiance—My love and my devotion.

To the Flag—Our standard. ''Old Glory''; a symbol of courage. And wherever she waves, there is respect, because your loyalty has given her a dignity that shouts ''Freedom is everybody's job.''

Of the United—That means we have all come together.

States—Individual communities that have united into 48 great states

Remember the time when they didn't.

Forty-eight individual communities with pride and dignity and purpose; all divided by imaginary boundaries, yet united to a common cause, and that's love of country—

Of America.

And to the Republic—a Republic: A sovereign state in which power is invested into the representatives chosen by the people to govern; [us] and the government is the people; and it's from the people to the leaders, not from the leaders to the people.

For which it Stands.

One Nation—Meaning ''so blessed by God.''

[Under God]

Indivisible—Incapable of being divided.

With Liberty—Which is freedom; the right of power for one to live his own life without fears, threats, or any sort of retaliation.

And Justice—The principle and qualities of dealing fairly with others.

For All—For All. That means, boys and girls, it's as much your country as it is mine.

Afterward, Mr. Lasswell asked the students to recite the Pledge of Allegiance together, with newfound appreciation for the words.

I pledge allegiance to the flag of the United States of America, and to the Republic, for which it stands; one nation, indivisible, with liberty and justice for all.

Mr. Skelton concluded his speech by saying:

Since I was a small boy, two states have been added to our country, and two words have been added to the Pledge of Allegiance: ''Under God.'' Wouldn't it be a pity if someone said, ''That is a prayer''—and that it be eliminated from our schools, too?

Just as those students that day, Mr. Red Skelton included, recommitted to the meaning of the words of the Pledge of Allegiance, I call upon the U.S. Senate to recommit to these words as well.

There are times today that the words of the Pledge of Allegiance are tossed around without care. Other times, they are altered to remove what today is deemed offensive or antiquated. But Americans should not misuse or abuse our Pledge of Allegiance. The Pledge of Allegiance is meant to remind Americans of our guiding principles and inspire adherence to those ideas which make our country great: equality under the law, recognized rights to life, liberty, and the pursuit of happiness. This is why today, on National Flag Day, I am requesting unanimous consent from my colleagues that my resolution expressing support for the Pledge of Allegiance is passed.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 671, submitted earlier today; further, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 671) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

Mr. BRAUN. I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BRAUN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MORAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MARKEY). Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 3967

Mr. MORAN. Mr. President, as we know, the Senate is currently considering the Sergeant First Class Heath Robinson Honoring our PACT Act. This bipartisan legislation is the most comprehensive toxic exposure bill ever considered for veterans.

Passing toxic exposure legislation has been a priority for Senator TESTER, the chairman of the committee, and for me, the ranking member, and we wanted to do it this Congress, and we are close to accomplishing that.

Last Congress, we were able to deliver landmark mental health legislation for veterans, and this Congress, we were committed to passing long-lasting solutions that will reform the VA's process by which veterans who were exposed to burn pits and Agent Orange receive their benefits and healthcare.

About a month ago, Senator TESTER and I announced a bipartisan agreement and introduced the historic Heath Robinson PACT Act. Part of the agreement between the chairman and me was that two amendments would be considered for this legislation.

I offered an amendment to strike the creation of a fund which would classify over $116 billion in discretionary costs associated with the bill as entitlement spending. I believe that this untested and unique way of classifying spending lessens congressional oversight at a time of massive debt and deficits, and it sets a bad precedent.

Senator LEE has an amendment requiring the Secretary to use science when evaluating presumptions established in the bill. That amendment has been filed.

Senator ERNST has an amendment requiring the Secretary to certify that with the resources and authorities provided through this bill, there won't be a negative consequence for veterans in the system.

There are at least three amendments proposing to offset the cost of the bill or at least a portion thereof with spending reductions elsewhere.

I am hopeful that in the days ahead, before final passage of this bill, we will let our colleagues be heard through an amendment process, pass or fail.

I have also hoped that the two amendments that I expected to be able to offer would be made in order. That hasn't been the case to date, and therefore I ask unanimous consent that it be made in order for the following amendments to be made pending to the substitute amendment No. 5051 by their sponsors or their designees: One, the Ernst amendment, Secretary of VA certification, No. 5072; two, the Lee amendment to modify the authority to create presumptions, No. 5048; the Johnson amendment to pay for COVID money, amendment No. 5055; the Paul amendment, to pay for this legislation from USAID, No. 5060; the Blackburn community care amendment, No. 5075; my amendment, the community care amendment, No. 5064; my amendment to strike section 805, No. 5063; the Marshall amendment on collective bargaining, No. 5071; the Murkowski amendment on appraisals for housing loans, No. 5069; and the Inhofe amendment concerning Camp Lejeune, No. 5094. I further ask that at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate vote in relation to these amendments in the order listed; further, that upon disposition of the amendments listed, all postcloture time on the substitute amendment No. 5051 be expired and the remaining pending amendments be withdrawn, with the exception of the substitute amendment No. 5051, as amended, if amended, and that the Senate vote on adoption of the substitute amendment, as amended, if amended; and finally, that upon disposition of amendment No. 5051, as amended, if amended, the cloture motion with respect to the underlying bill, H.R. 3967, be withdrawn, the bill, as amended, if amended, be read a third time, and the Senate vote on passage of the bill, as amended, if amended, with 60 affirmative votes required for passage.

The PRESIDING OFFICER. Is there objection?

The Senator from Montana.

Mr. TESTER. Reserving the right to object, we are here on the cusp of doing something that really tells the fighting men and women who serve in our military all around the world that we have got your back.

We are here because of what I would say is a great working relationship between the ranking member, Senator MORAN, and myself. As I said in the VA Committee earlier, that relationship is going to continue regardless, and the reason is because, in this place, there is something that is missing, and it is called trust. And I trust Senator MORAN. We have been through this for the last year and a half and even longer.

When you were chairman of the committee, many of the bills that are in this package, you oversaw their passage out of committee.

But because negotiations continue and because I still believe, even though this process is very broken—we both know that—I still believe that we are going to be able to come to something that both of us can agree on with amendments through our leadership—by the way, we would agree on something anyway—but through our leadership. That is why I am objecting to your motion.

I object.

The PRESIDING OFFICER. The objection is heard.

Mr. MORAN. Mr. President, I would conclude by encouraging the chairman of the Senate Committee on Veterans' Affairs to use his substantial level of influence with the leaders that he described as necessary to approve the consideration of these amendments.

He speaks of the word ''trust,'' and I have great trust in his ability to accomplish the desired outcome that I have.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, may I ask the ranking member of the Veterans' Affairs Committee a question?

The PRESIDING OFFICER. Through the Presiding Officer, you are allowed to do that.

Mr. TESTER. Mr. President, are you asking me to throw my weight around?

Mr. MORAN. Mr. President, may I make an inquiry of the Senator from Montana through the Chair?

The PRESIDING OFFICER. Yes, you may.

Mr. MORAN. Mr. President, if I answered the question, Mr. Chairman, would that be considered derogatory?

Perhaps it is a parliamentary inquiry.

The PRESIDING OFFICER. I think in Montana, it is considered a compliment.

Mr. MORAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

U.S. SUPREME COURT

Mr. WHITEHOUSE. Mr. President, I am here for the 15th time in my series of ''Scheme'' speeches to call attention to the rightwing donors' long-planned scheme to capture and control our Supreme Court.

What I will talk about today is that scheme's donor-funded doctrine factory and a case in which the ''Court that dark money built'' could weaponize dangerous, concocted doctrines to power up polluters and threaten the basic function of government.

Before I get into this, let me say that I detest and condemn violence or threatened violence against members of the Court, and I object even to protesters making a racket in Justices' neighborhoods. There is a lot to be angry about, but the solution is through democracy and laws, not violence and noise. The capture of the Court by secret and special interests is deadly serious under our laws, and we have to respond seriously under our laws. Neighborhood noise and violent threats don't help.

Let's remember that all three Trump Supreme Court Justices were actually chosen and then campaigned for by a dark money donor apparatus. Remember, the whole point of the scheme is to capture the Court so it will deliver big wins for the big rightwing donors, no matter how unpopular or radical those wins are. Remember that the donor elite behind the scheme spent hundreds of millions of dollars on an apparatus to capture the courts. It plotted for decades to seize this power and set up a system to get its hand-picked, extremist nominees onto the Bench. It instructs those Justices with coordinated flotillas of amicus briefs so the Justices know how they are supposed to rule. It is quite an operation.

But none of that works—none of that works if judges are following the law as it is. Existing legal precedents are a problem for the scheme. So, to accomplish its mission, a radical deconstruction of our American laws, the big donor elite need to destroy decades of legal precedent.

We got a preview in the looming effort, shown by the Alito leaked draft opinion, to destroy precedent protecting women's right to decide about abortion and relocate that right from women to State legislatures. That is just the scheme's opening act, a sop to one segment of its social issues base. The scheme is out to deconstruct American law and destroy established precedent across many areas of the law.

Now, if you are out to deconstruct American law and replace it with what the big donors want, you need some intellectual weaponry. You don't just need Justices who will do what you ask, you need legal theories. You need to give the Justices you put on the Court the intellectual artillery—the demolition theories—that will help them destroy the precedents and deconstruct our legal system.

So that is a problem.

But when you are spending more than half a billion dollars on such a scheme, you can find solutions. And sure enough, rightwing donor interests found solutions. It took time, but the whole scheme took time. It took a lot of money, but the whole scheme took a lot of money. It took patience and planning, but what a payoff when you succeed.

And now it is payday.

The first thing you do is erect an array of legal think tanks, phony institutes, the hothouses in which the deconstruction theories are grown; the factories, if you will, where doctrines are crafted, reverse-engineered from the results the big donors want so that willing, complicit Justices have the ideological weaponry for deconstruction of the law.

These think tanks do a couple of things. First, they nurture rightwing legal scholars to formulate bogus legal doctrines. They pay them comfortable salaries. They grant them nice titles. They cover their trips to conferences and symposia with fellow hothouse scholars. The whole thing apes regular academia, but this academia-resembling performance has a very different mission: It has deliverables.

Second, they systematically cheerlead for their new legal doctrines. They create an echo chamber of approval for their cultivated fringe ideas. Once the hothouse conjures a fringe idea, the hothouse bounces it among other so-called scholars and through other anonymously funded affiliate groups and through law school debate clubs and conservative conferences—also funded by secretive donors—and into flotillas of scripted amicus curiae briefs and ultimately, the prize, into legal opinions. They create a legitimization process, and of course they concoct or retool the desirable theories.

The legal theories are actually pretty easy to come up with. You reverse-engineer. You start with what big donor interests want and then work backward. And what lots of big donors want—especially fossil fuel companies—is to weaken and disable government regulation.

Government regulators stop all sorts of harmful corporate practices: pollution of our air, water, and climate; dangerous factory floor working conditions; crooked schemes that cheat investors; snake oil medications that don't cure disease; unsafe products; insurance policies that don't pay. The list is long. Demolishing that protective network of regulations protecting America's health, safety, and financial well-being is a scheme priority, and the destruction begins by pejoratively naming the Agencies whose work protects us the ''administrative state.''

There are many of these doctrine-growing hothouses. Two examples are the Cato Institute, originally founded by the Koch brothers, and the C. Boyden Gray Center for the Study of the Administrative State at George Mason University's Antonin Scalia Law School, of course. Both of these groups are funded to pump out and legitimize anti-regulatory fringe theories and talking points.

Think of them as factories for ideological artillery designed for the demolition of Federal Agencies' authority, particularly over polluters.

What do they manufacture? Well, the concocted doctrines fall into a few buckets. There is the so-called unitary executive theory, cooked up to argue

that safeguards set in place by Congress to protect Federal Agencies against political interference are unconstitutional.

Now, if you are a big donor and you paid big bucks to get your man in the White House, you want political interference by your guy in regulatory decisions.

Congress built safeguards against that for a very good reason. But a captured Court could disable Congress's ability to defend the Agencies that Congress itself created. This unitary executive legal theory was the pet theory of the Reagan administration. It was thoroughly debunked by serious scholars and rejected initially even by the Supreme Court. But the rightwing Court-capture apparatus has persistently kept this theory a Federalist Society cornerstone and diligently packed the Court with new Justices more amenable to this nonsense.

Other concocted doctrines also target Agencies. The so-called nondelegation doctrine is so radical and meritless that the Supreme Court dismissed it a century ago, except for rare cases that no longer exist where Congress might give Agencies power with no direction whatsoever.

This nondelegation idea has been retooled in the doctrine factories to target Agency regulation generally. Under this doctrine as retooled, the power is removed from Congress and given to unelected courts to decide how questions should be assigned by Congress to Federal Agencies. This gives big, regulated industries a big weapon to attack the Federal Government's ability to regulate problems that they cause, at a minimum allowing industries to tie public protection regulations up in years, even decades, of litigation.

Federalist Society Justices on the Court long clamored for the nondelegation doctrine, and as new Federalist Society Justices get added to the Court, it becomes more probable. Certainly the dark money front groups that provide instruction and encouragement to the Federalist Society Justices—they are in full clamor, using amicus curiae briefs to signal their wishes to the captured Court.

On now to yet another hothouse-grown doctrine, the major questions doctrine, which provides a similar weapons platform to assault public safety regulations. Where the nondelegation doctrine would require Congress to set more specific regulatory standards for Agencies to police, the major questions doctrine would let the unelected Court determine that some questions are just too big to regulate—too big to regulate at all.

Again, at a minimum, that lets big industries snarl Agency protections up in litigation. At worst, it forces Congress into detailed, complex questions that Congress already determined—already determined—should better be handled by expert Agencies.

Perhaps I should mention here how hard the Federalist Society Justices have worked to create avenues of corporate political influence, including anonymous, unlimited, corporate political spending, allowing corporate interests to blockade action in Congress; but while it is relevant here, that is a longer story for another day.

All of these concocted doctrines share the premise that Congress may not deploy Agency regulation against certain problems and that the power to grant Agencies authority to regulate in certain areas is, instead, to be decided by unelected courts—in present circumstances, decided by a captured Supreme Court with Members installed by big special interest money.

What could possibly go wrong?

All of these concocted doctrines overlook the robust oversight of Federal Agencies by the people's Representatives in Congress and by courts, tasked by Congress, with applying the Administrative Procedure Act. If an Agency were to go rogue, Congress can immediately intervene. Congress can reverse the decision of the Agency. Congress can change the underlying law the Agency enforces. Congress can redirect, defund, or even eliminate the errant Agency. Moreover, if Agencies don't follow the law as Congress directed or if the Agencies behave illogically or unfairly or don't give evidence proper consideration, there are avenues of legal relief in court.

But the donors behind the scheme don't want relief from improper or misguided Agency action. They want relief from lawful, legitimate, and correct Agency action. This is a power grab by regulated interests using the Court, and they can do it because of the scheme. It is not a bug that these doctrines threaten harm to an array of basic government functions; it is their purpose.

Let's go back to what the rightwing, corporate-funded propaganda machine likes to deride as the ''administrative state''—their little code word. What has really gone on in these Agencies? I will tell you what has gone on.

Over nonstop quarreling by big special interests, regulatory Agencies made life better. They made drinking water safer. They cleaned up smokestacks. They put airbags in cars and required better seatbelts. They protected us from contaminated food. They made medication safer and more effective—no more snake oil mysteries. They made financial markets safer places for retirement funds and college savings plans to grow. They made it harder for stockjobbers to sucker innocent investors. They required insurance policies to actually pay when an insured risk occurs. They put an end to people dying from disasters like boiler explosions that used to be a regular thing. Americans live longer; highways are no longer carnage; products are safer; markets are stronger; and the American economy is more robust. So, whenever you hear the phrase ''administrative state,'' it should ring in your head a little alarm bell that special interest mischief is afoot, which brings me to the ruling expected from the Supreme Court in a case called West Virginia v. EPA.

The fossil fuel interests behind the case are challenging the Federal Government's power to regulate greenhouse gas emissions from existing coal-fired power plants. Put simply, they want to make it harder to fight climate change. I can't think of a more important protection for the American people than a livable planet, and I can't think of a Member of Congress who has done more work to achieve those protections than the Presiding Officer, but the fossil fuel industry is desperate to continue to pollute for free.

The first thing to know about this case is that there is no case. The Constitution requires ''a case or controversy''—that is the language in the Constitution: ''a case or controversy'' before the Court can intervene—and, here, there is no case because there is no Agency rule to challenge. The Trump administration's rule, which was a sop to polluters, was thrown out—gone. The Obama-era rule is not being pursued—gone. Biden's EPA has announced that it is formulating a new, different rule that it has not yet produced. It is not out. There is no rule in place right now.

That does not seem to bother the scheme's new donor-selected majority. A few Republican States, bolstered and probably directed by an armada of rightwing, dark-money front groups, sued to challenge the EPA's authority, and the captured Court jumped right in.

Think about that for a moment.

With no actual rule to review, the Court is, apparently, going to decide this case based on what the Biden administration might do or issue some general observations about the EPA. Where I come from, there is a name for that. It is called an advisory opinion, and our Supreme Court is forbidden to do that under our Constitution.

This is actually a big deal at the heart of the separation of powers, but the Federalist Society Justices, packed onto the Court with fossil fuel dark money, are on a mission to deconstruct the administrative state. So why let the Constitution get in the way? Just throw out more precedent about case or controversy. What is one more smashed precedent in the captured Court's cascade of precedent demolition? The donors don't care. They are not finicky. They want results.

Fossil fuel is the political 800-pound gorilla in this country. The industry spent decades blocking climate action in Congress. It lurked behind this web of climate denial front groups that sowed false doubt about climate science. It was their job to mischaracterize the science. It is behind what watchdog group Influence Map calls the biggest climate-obstructing trade organization in Washington—the U.S. Chamber of Commerce. Boom.

It maintains its own trade group hitmen, like the American Petroleum Institute. It funnels secret money by the tens of millions into Republican super-PACs and other secret, partisan political spending fronts in a not-so-hostile takeover of the Republican Party, and it wrote some of the biggest checks to pay for the scheme, funneled through dark-money conduits like DonorsTrust and the Judicial Crisis Network.

When I say we now have the Court that dark money built, it is probably more accurate to say that we now have the Court that dark fossil fuel money built. So watch out for the six-Justice supermajority that is poised to rule in this no case ''case.''

It is no surprise that the amici—the amicus curiae, the so-called friends of the Court—gathered in this case read like a who's who of fossil fuel polluter front groups. The Competitive Enterprise Institute, for instance, produces hothouse attacks on the EPA's authority, and is funded by ExxonMobil, Murray Energy, the American Fuel and Petrochemical Manufacturers, the American Petroleum Institute, and the Koch brothers' political groups. Fossil fuel front groups, as amici and litigants, sing a harmonious chorus of ''unitary executive'' and ''nondelegation'' and ''major question''—all concocted doctrines targeting the administrative state they so resent.

Back before the takeover, here is what the Court said in a case called Mistretta.

The Court said this:

In our increasingly complex society, replete with ever changing and more technical problems, Congress simply cannot do its job absent an ability to delegate power under broad general directives.

That is the language of the Court:

In our increasingly complex society, replete with ever changing and more technical problems, Congress simply cannot do its job absent an ability to delegate power under broad general directives.

That is the precedent of the Court. That is the law of the land, and it is the law that special interests sent these Justices to the Court to deconstruct. So get ready.

To be continued.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. HASSAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PETERS). Without objection, it is so ordered.

REMEMBERING JULIE BECKETT

Ms. HASSAN. Mr. President, I rise today to honor the incredible life and legacy of Julie Beckett, a champion for individuals who experience disabilities and for their families.

In 1978, Julie's daughter Katie was born, and 4 months later, Katie contracted a brain infection that left her paralyzed and on a ventilator. After 2 years of living in a hospital, Katie's family had reached the limit on their health insurance policy and applied for support through Medicaid but were told that Medicaid would not cover at-home care.

Julie and her husband, Mark, knew they did not want their daughter growing up in a hospital, especially when she could receive the care that she needed at home while also being with her loved ones.

Faced with uncertainty and with Federal officials who would not make an exception, Julie reached out to her Congressman. Julie noted that making this exception for her daughter would not only be good for her family but also that keeping her at home rather than at a hospital would cost the government far less money.

Julie's advocacy worked. Because she made the choice to speak up and share her story, Congress passed and President Reagan signed into law an exception to Medicaid rules that enabled Julie's family and many others to care for their loved ones at home.

Julie's work has had a profound impact on not just her own family but countless others, including my own. My son Ben experiences severe physical disabilities, and because of Julie's advocacy, he could grow up at home and with family. And because he was able to live at home, Ben had the opportunity to go to school, to learn, and make friends in our community.

The terrible reality is that before Julie, many children grew up in hospitals or in institutionalized care, instead of surrounded by the love and care of their families, siblings, and neighbors.

But my family's story is not unique. In the decades since, what is now known as the Katie Beckett waiver has changed hundreds of thousands of lives. More than half a million children have received these waivers and have been able to live, grow, and thrive at home.

Julie's story is an example of how one person can make a true difference in our democracy. And even after her successful work in securing this significant exception for Medicaid, Julie kept fighting for children who experienced disabilities. She helped lead a charge to expand coverage and fought against attempts to repeal the Affordable Care Act. And critically, she worked with families throughout the country to show them how they could be advocates as well.

Julie passed away last month, but her legacy will live on in the lives that she has changed and the advocacy that she helped to inspire. I am profoundly grateful for her work, and I join with people across the country in committing to carrying on her legacy of fighting to fully include people with disabilities in every facet of American life.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

ORDER OF PROCEDURE

Ms. HASSAN. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Republican leader, and notwithstanding rule XXII, it be in order for Senator PAUL or his designee to make a motion to proceed to Calendar No. 397, S. Con. Res. 41 on Wednesday, June 15, 2022; further, if the motion to proceed is agreed to, the Senate resume consideration of Calendar No. 388, H.R. 3967, postcloture, and that upon disposition of the Calendar No. 388, H.R. 3967, the Senate resume consideration of Calendar No. 397, S. Con. Res. 41.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT—EXECUTIVE CALENDAR

Ms. HASSAN. Mr. President, I ask unanimous consent that notwithstanding rule XXII, at a time to be determined by the majority leader, in consultation with the Republican leader, the Senate proceed to executive session to consider Calendar No. 925, Alan M. Leventhal, to be Ambassador to the Kingdom of Denmark; that there be 10 minutes for debate equally divided in the usual form on the nomination; that upon the use or yielding back of time, the Senate vote on the nomination without intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that any statements related to the nomination be printed in the Record; that the President be immediately notified of the Senate's action; and that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATE ANTITRUST ENFORCEMENT VENUE ACT OF 2021

Ms. HASSAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 261, S. 1787.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 1787) to amend title 28 of the United States Code to prevent the transfer of actions arising under the antitrust laws in which a State is a complainant.

There being no objection, the Senate proceeded to consider the bill.

Ms. HASSAN. Mr. President, I ask unanimous consent that the Lee amendment which is at the desk be considered and agreed to, the bill, as amended, be considered read a third timed and passed, and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5096) was agreed to, as follows:

(Purpose: To strike the retroactive effective date)

Strike section 3.